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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/747,370

Attorney Docket: DP-303157

Filing Date: 12/21/2000

Group Art Unit 1764

Applicant: William J. LeBarge et al.

Examiner: Hien Thi Tran

Title: CATALYST SUBSTRATE HAVING
IMPROVED THERMAL DURABILITY

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PROVISIONAL ELECTION

Sir:

This is in response to the Office Action mailed March 23, 2004, imposing a Restriction Requirement between:

Group I, claims 1-6, directed to a catalyst substrate and a catalytic converter; and

Group II, claims 7-14, directed to a method for manufacturing a catalyst substrate and a catalytic converter.

In response to the Restriction Requirement, Applicant provisionally elects to prosecute Group I, claims 1-6. Nevertheless, Applicants respectfully traverse the requirement.

The Group I claims, of which claim 1 is representative, are directed to a catalyst substrate that includes zirconium phosphate. Group II, e.g., claim 11, calls for applying zirconium

phosphate to a catalyst substrate. Even a causal read of these claims reveals that they are merely different aspects of but a single invention. Moreover, prior art showing a catalyst substrate having zirconium phosphate applied thereto, or the method of applying zirconium phosphate to the catalyst substrate, would be material to, and should properly be considered in examining all Groups, regardless of where such art is found within the classification scheme of the Patent Office.

Efficiency, both on the part of Applicants, and also on the part of the Patent Office, mandates that, where the claims have common distinctive features such as here, all claims should be examined together. Thus, claims to both the catalyst substrate, and its method of making same, should properly be examined in the present application. The Restriction Requirement unduly burdens Applicants by requiring them to file and prosecute multiple applications, and pay fees and maintain multiple patents, to obtain the patent protection to which they are entitled.

Therefore, it is respectfully requested that the Restriction Requirement be withdrawn, and that all claims of Group I and Group II be considered in the present application.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



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